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March 29, 2001

TO: Internal File

THRU: Daron R. Haddock, Permit Supervisor

FROM: Paul B. Baker, Reclamation Biologist

Re: Technical Field Visit to Curbrula Canyon, Canyon Fuel Company, LLC.,  
Dugout Mine, C/007/039

**Other Attendees:** Gary Taylor and Chris Hansen, Canyon Fuel Company, LLC.

**Date & Time:** March 27, 2001, 9:30 AM to 1:00 PM. Mostly clear, high 40's, patchy snow up to about two feet deep.

## PURPOSE:

To look for any signs of raptor nests in an area where Canyon Fuel intends to begin longwall mining on April 2, 2001. We were also looking for signs of water that might indicate the area could be used by bats.

## OBSERVATIONS:

The canyon where we were looking for raptor (primarily golden eagle) nests is between Dugout and Fish Creek Canyons. It's official name is apparently Curbrula Canyon, but this name does not appear on the 7.5 minute topographic maps. The area was not surveyed for raptor nests in 2000, but it was surveyed in 1998 and 1999.

Using binoculars and spotting scopes, we were able to find three nests just to the west of the mouth of the canyon, but there was not a sign of any birds in this area, although there was quite a lot of whitewash near one of nests. Wildlife Resources had only mapped two nests in this area.

TECHNICAL FIELD VISIT

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About one mile up from the mouth, the canyon splits. We saw no eagles until we got to this area. At about 11:35 AM, a pair of eagles flew over the ridge to the west. They were over the ridge less than a minute before going back west. At 11:45 AM, an eagle landed on a pinyon or juniper on top of a rock outcrop, and another eagle flushed it several seconds later. The two, which we presume were the same birds, we saw previously, flew fairly low near the top of the ridge for a few minutes before going behind some trees and disappearing from our view. Because they were flying low, I assumed they were hunting.

Chris and I went a little farther up the canyon to see what kind of habitat was on the east side of the west fork. It was very rough, steep terrain, with some snow, so we weren't able to go far. We did get far enough that we could see most of the east side, and there was essentially no cliff habitat in the area that will be subsided. It is mostly a forested slope with jumbled cliffs on the north and south ends.

Most of the cliffs on the west side of the canyon are jumbled with intermixed trees, but we saw a few areas that might be marginal nesting habitat. We examined these areas repeatedly with both binoculars and spotting scopes but found no signs of nests or whitewash.

There was no water flowing in the channel even though it was sunny with the temperature in the high 40's. In fact, I saw no surface flow at all. Much of the snow has melted, but it was still knee-deep in places in the bottom of the canyon. I could see some evidence of flow in the channel, but it was pretty minor. The canyon only extends about one mile beyond where we went, so I don't think there would be anything more than very minor flows in the spring with possible flow in the summer in response to thunderstorms.

#### RECOMMENDATIONS/CONCLUSIONS:

Based on these observations, I feel there is little chance for any cliff nests to be in the area; therefore, I believe Canyon Fuel has met its monitoring obligations and that it can proceed with longwall mining in this area.

Because the canyon has so little water, it has limited habitat for bats. Canyon Fuel has committed to do bat surveys in the area before subsiding any area, but after discussing the situation with Mark Mesch and George Oliver and after seeing how little water there would be in this canyon, I do not feel bat surveys would be useful in this area. I do feel; however, that Fish Creek Canyon probably has some bats and that it would be good to survey this area.